REMARKS

In the Final Office Action mailed October 11, 2006 the Examiner rejected claims 23 and 25-26 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,263,313 to Milsted et al. and rejected 1-4, 6-9, 14-18 and 24 under 35 U.S.C. 103(a) as being unpatentable over Milsted et al.

In the Final Rejection, the Examiner equates the process of encoding with the process of encrypting. See Final Rejection mailed October 11, 2006; paragraph 4. These are not synonymous processes. Encryption, in the present application, requires a key. That is, to encrypt data, one of ordinary skill in the art must input BOTH the data and the key into an encryption algorithm to generate encrypted data. Encoding does not require a key. To encode data one of ordinary skill in the art need input only the data into the encoding algorithm to generate encoded data.

Applicant also refers the Examiner to US Patent No. 5,886,995. In that patent, encryptor 48 is shown as separate and distinct from encoder 43 in Figure 2. Thus, as recognized by others in the art, encoding and encryption are not synonymous.

Therefore, while Milsted et al. do teach different encoding/compression rates for different types of files, Milsted et al. do not teach different encryption levels for different sets of services.

The Examiner also alleges that Misted et al. teach different encryption levels in col. 5, lines 10-20. See Final Rejection mailed October 11, 2006; paragraph 5. This citation again refers to different encoding levels and not different encryption levels.

Applicant would also like to point out that the Examiner's rejections of claims 2, 25 and 26 is also improper. While Milsted et al. do discuss encryption in column 27, lines 42-65, Milsted et al. fail to tie this encryption to the different levels of encoding

discussed in column 5, lines 10-20. Thus, the Examiner is using two disparate parts of Milsted et al. and improperly putting them together to reject Applicant's claims.

As stated in the Amendment filed on July 19, 2006, Milsted et al. do teach a plurality of symmetric encryption algorithms in col. 15, lines 34-44. However, Milsted et al. do not teach using different encryption algorithms for different numbers of services being transmitted. The Examiner admits this on page 5 of the Office Action.

The Examiner, however, continues by asserting that it would have been obvious to use different encryption algorithms for different data so as to allow for a reduction in processing power. However, this is the problem being addressed by the present invention. *See generally*, page 6, lines 11-15. Thus, the Examiner is using Applicant's own invention to provide the motivation to modify Milsted et al. and this is an improper source to cite to for motivation in an obviousness rejection. *Noelle v. Lederman*, 355 F.3d 1343, 1352 (Fed. Cir. 2004).

CONCLUSION

No fees are due for this Response. However, the Office is authorized to charge

any additional fees or underpayments of fees (including fees for petitions for extensions

of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments

should be credited to the same account.

Applicant requests entry of this amendment, reconsideration of the pending

claims and the issuance of a Notice of Allowance. Should the Examiner have any

questions, he is invited to contact Applicant's representative below.

Respectfully submitted,

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